

SIDNEY BIEBER.

FEBRUARY 26, 1904.—Ordered to be printed.

Mr. FORAKER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 819.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber, having considered the same, report thereon with a recommendation that it pass.

Your committee adopt the report of the House Committee on the District of Columbia, which is as follows:

This bill passed the House during the last Congress, but it was not acted upon in the Senate.

The following letter from the beneficiary explains the purposes of this legislation:

WASHINGTON, D. C., *December 4, 1902.*

DEAR SIR: I am in receipt of your letter stating that the Committee on the District of Columbia desires further information before acting on House bill 13791, entitled "A bill to quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber," and have the honor to make the following statement:

The report of the War Department is correct in the statement that square 1131 does not appear of record or on all the early maps of the city of Washington, as the square undoubtedly has been formed by accretions caused by the tide and dumping.

The real point in the matter is this: The square of ground is actually in existence, with no other eligible or prospective claimant than myself. So far as the District government is concerned, I am the lawful possessor of the ground in question, and my desire is to remove any cloud on the title that may exist by the action of the highest authority that can be given in such matters, the Congress of the United States. As the bill states, I will pay into the Treasury of the United States a sum which may be deemed proper and just for any interest the United States may hold.

However, the District of Columbia has borne square 1131 on its tax rolls since the year 1853, and the taxes since that date have been paid. For your further information I will state that I hold abstract of title covering this square, issued by the Washington Title Insurance Company, the first transfer having been made March 23, 1853, when Joseph McCormick deeded the same to Mary E. Sweetser, but the grantor appeared not to have any title of record at that time. Since then this property has been sold for taxes three or four times, but the interests of the parties to whom it was sold were transferred to my father, Samuel Bieber, years ago, and from him to me, so that I have a clear title; and there are no other claimants, except that the

United States of America may claim an interest at some future time, based upon the fact that it has never transferred the title. In this connection I beg to quote a part of the opinion of the title company:

"The title to the land raised by accretion south of square 1130 is in the United States of America."

My purpose in asking Congress to pass the legislation is twofold—first, to remove from the title of square 1131 any cloud which may exist, or hereafter exist, by reason of an interest the United States may claim in the same; second, to correct the records of the Department, so that square 1131 will appear on the official records and map of the city of Washington.

The land consists of a frontage of 206 feet on H street between Twentieth and Twenty-first streets SE., and has in the past been largely covered by water. The tide, however, is rapidly receding, and the land is being made permanent by accretion. The square is assessed at \$206, being \$1 per front foot, which in my opinion is a fair valuation.

I do not believe it to be the purpose of the United States Government to claim any title in this square, and as the title is otherwise clearly vested in me, as shown by the abstract, I would feel deeply grateful if your committee would favorably report the bill to the House for its action.

Very truly, yours,

SIDNEY BIEBER.

HON. AMOS L. ALLEN,
House of Representatives.

The bill was referred to the Secretary of War, who states that there is no objection to its passage, as shown by the following communications:

WAR DEPARTMENT, *June 4, 1902.*

Respectfully returned to the chairman Committee on the District of Columbia, House of Representatives, inviting attention to the following remarks of the Judge-Advocate-General of the Army and to the accompanying report of the Chief of Engineers, dated May 24 ultimo, and inclosures therein referred to.

WM. CARY SANGER,
Acting Secretary of War.

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C. June 2, 1902.

Respectfully returned to the Secretary of War, inviting attention to within report of the Chief of Engineers.

I concur in the view that there is no objection to the passage of this bill when amended as suggested by the Chief of Engineers.

GEO. B. DAVIS,
Judge-Advocate-General.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, May 24, 1902.

SIR: I have the honor to return herewith letter of the chairman of the House Committee on the District of Columbia dated May, 1902, inclosing, with request for the views of the War Department thereon, House bill 13791, Fifty-seventh Congress, first session, "A bill to quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber."

This bill is identical with Senate bill 5342, Fifty-seventh Congress, first session, in regard to which a report was submitted to the Secretary of War by the Chief of Engineers under date of April 30, 1902.

A copy of a report upon Senate bill 5342 by Col. T. A. Bingham, U. S. Army, in charge of public buildings and grounds, dated April 26, 1902, and of the previous correspondence upon the subject referred to therein, are submitted herewith. Colonel Bingham states that he knows of no objection to the enactment of the legislation therein proposed.

It is understood that Mr. Bieber holds a tax title to the property in question under a deed executed by the Commissioners of the District of Columbia on November 26, 1889, and that he has paid the taxes on the property to June 30, 1902.

As the records pertaining to public buildings and grounds in the District of Columbia are filed in the War Department, it is recommended that before its pas-

sage the bill be amended by striking out the words "Secretary of the Interior" and inserting in lieu thereof the words "Secretary of War," wherever the former occur. As thus amended no objection is seen to its passage.

Very respectfully, your obedient servant,

Hon. ELIHU ROOT,
Secretary of War.

G. L. GILLESPIE,
Brig. Gen., Chief of Engineers, U. S. Army.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, November 4, 1899.

SIR: In reply to your letter of the 30th ultimo, addressed to the Secretary of War, asking to be advised in whom title is vested to square No. 1131, city of Washington, as shown by the records of the War Department, I beg to invite your attention to the following remarks on the subject by the officer in charge of public buildings and grounds:

"The records of this office do not show to whom title is vested in square No. 1131, in the city of Washington. In fact, record book No. 10, division of squares, with the original proprietors, 1791-1804, on file here, contains the following entry between squares 1130 and 1132: 'There is no square numbered 1131.' In addition, the 'Dermott map' (1797-98) and the 'King plats' (1803) in this office do not show a square numbered 1131."

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Mr. SIDNEY BIEBER,
509 Seventh street NW., Washington, D. C.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, November 14, 1899.

SIR: Referring to your letter of the 8th instant, addressed to the Secretary of War, regarding title to "square No. 1131, in the city of Washington," I beg to inclose for your information a copy of a further report on the subject by Colonel Bingham, the officer in charge of public buildings and grounds.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Mr. SIDNEY BIEBER,
509 Seventh street NW., Washington, D. C.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, November 11, 1899.

GENERAL: I have the honor to return herewith letter of November 8 from Sidney Bieber to the honorable Secretary of War, stating that he holds a deed from the District of Columbia to square 1131, which is shown on the "Ellicott map" to be south of square 1130, which letter was referred to me for remark from the office of the Chief of Engineers on November 9, and to report as follows:

The "Ellicott map" referred to by Mr. Bieber is a copy of the L'Enfant plan, which was engraved at Philadelphia in the year 1792, prior to the laying out of streets and squares of this city. When the surveying work was in progress a great many of the squares shown upon the said Philadelphia engraving were wholly omitted, and the numbers of many others changed in the map prepared during 1793-1795. This was done with the approval of President Washington. The engraved map of 1792 was not altered to conform to these changes; it shows square 1131 on the south side of H street, due south and opposite square 1130. This map is considered as obsolete.

The "Appropriation map," sometimes designated the "Dermott and tin-case map of the city of Washington," was prepared by direction of the Commissioners, dated June 15, 1795, and was approved by Presidents Washington, March 2, 1797, and Adams, July 3, 1798, by which Executive action it became the standard map of the city of Washington. It shows no squares on the south side of H street from Nine-

teenth street E. to the Eastern Branch, and of course none opposite square No. 1130. Moreover, there are 135 squares shown on this "Appropriation map" which have no existence whatever upon the engraved plan.

I do not find any record of a division between an original proprietor and the public for a square numbered 1131.

If Mr. Bieber holds a deed from the District of Columbia to such a square as he describes, it would seem that he should apply to the District Commissioners for security of title. Possibly such a square has been reclaimed from the bed of the Eastern Branch, but it is not understood how taxes can have been paid upon such a square since the year 1852.

So far as the records of this office show, there is no such square.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,
Colonel, U. S. Army, Major, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. Army, Washington, D. C.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, April 26, 1902.

GENERAL: I have the honor to return herewith Senate bill 5342, Fifty-seventh Congress, first session, "A bill to quitclaim all interest of the United States in and to square 1131 in the city of Washington, D. C., to Sidney Bieber," which was referred to me April 24, from the office of the Chief of Engineers for report.

There is no objection known to this office to the enactment of the legislation contemplated by the bill.

In this connection I deem it proper to state that the land records of this office do not show the existence of a square numbered 1131, and beg to refer to my reports of November 3, 1899, and to my report of November 11, 1899, upon the subject of this square.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,
Colonel, U. S. Army, Major, Corps of Engineers.

Brig. Gen. G. L. GILLESPIE,
Chief of Engineers, U. S. Army, Washington, D. C.

WASHINGTON, D. C., *October 30, 1899.*

SIR: I will thank you very much if you will cause me to be advised in whom title is vested to square No. 1131, in the city of Washington, D. C., as shown by the records of the War Department.

Very respectfully,
The SECRETARY OF WAR.

SIDNEY BIEBER.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
November 1, 1899.

Respectfully referred to Col. Theo. A. Bingham, U. S. Army, in charge of public buildings and grounds, for report.

To be returned.

By command of Brigadier-General Wilson:

A. MACKENZIE,
Lieutenant-Colonel, Corps of Engineers.

[Second indorsement.]

OFFICE PUBLIC BUILDINGS AND GROUNDS,
Washington, November 3, 1899.

Respectfully returned to the Chief of Engineers, U. S. Army.

The records of this office do not show to whom title is vested in square No. 1131, in the city of Washington; in fact, record book "No. 10, division of squares, with the original proprietors 1791-1804" on file here contains the following entry between

squares 1130 and 1132: "There is no square numbered 1131." In addition, the "Dermott map" (1797-98) and the "King plats" (1803) in this office do not show a square numbered 1131.

THEO. A. BINGHAM,
Colonel, U. S. Army, Major, Corps of Engineers.

WASHINGTON, D. C., November 8, 1899.

SIR: I beg respectfully to acknowledge the receipt of your letter of the 4th instant (by the hand of the Chief of Engineers, U. S. Army) in reply to my request to be informed to whom title is vested in square No. 1131, in the city of Washington. You state that your records show "there is no square numbered 1131."

I hold a deed from the District of Columbia conveying this entire square to me, and the records of the tax office of the District of Columbia show that taxes have been paid on same since 1852. I inclose you copy of tax certificate.

In the earliest plat of the city, the Ellicott map, square 1131 is represented as lying immediately south of square 1130, with a street separating the two squares, and also a street separating 1131 from the Eastern Branch.

I will be very grateful if you will investigate this matter and inform me whether my deed from the District of Columbia makes me undisputed owner of the property in question, and if the deed is not sufficient what steps ought to be taken by me to perfect title.

Thanking you for your kindness, I am,

Very respectfully,

SIDNEY BIEBER.

The SECRETARY OF WAR.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
November 9, 1899.

Respectfully referred to Col. Theo. A. Bingham, U. S. Army, in charge of public buildings and grounds, for remark.

A. MACKENZIE,
Acting Chief of Engineers.

[Second indorsement.]

OFFICE PUBLIC BUILDINGS AND GROUNDS,
November 11, 1899.

Respectfully returned to the Chief of Engineers, U. S. Army, with report of this date.

THEO. A. BINGHAM,
Colonel, U. S. Army, Major, Corps of Engineers.

The report of the Commissioners of the District of Columbia is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 30, 1902.

DEAR SIR: The Commissioners have received from your committee a copy of House bill 13791, "To quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber," with request for their report thereon. As this bill concerns the United States rather than the District of Columbia, the Commissioners have the honor to suggest its reference to the Secretary of the Interior or the Attorney-General.

The assessor reports the tax history of this lot as it appears upon his records as follows:

"This property first appears listed for taxation in the year 1853 in name of Mary E. Sweetzer, entered on the records 'in water,' but no evidence appears as to how she obtained title, if any.

"The whole square was sold at tax sale May 14, 1861, to James Fraser, and tax deed issued by the corporation of Washington to William C. Todd, July, 1863, the tax-sale certificate having been assigned to said Todd.

"The property was again sold at tax sale September, 1887, to L. B. Cushing, and a tax deed issued by the District of Columbia to Samuel Bieber, December 14, 1889, who also obtained a quitclaim deed from William C. Todd, dated March 28, 1889.

"The petitioner in this case, Sidney Bieber, acquired title by deed recorded April 18, 1902, from Samuel Bieber.

"There are no unpaid taxes or assessments against the property.

"The square is assessed by the front feet, having 206 feet front on Water street, at \$1 per front foot, value \$206, being about two-thirds covered by water."

Very respectfully,

HENRY B. F. MACFARLAND,

President of the Board of Commissioners of the District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia,

House of Representatives.

The bill was also referred to the Secretary of the Interior, who has reported as follows:

DEPARTMENT OF THE INTERIOR,

Washington, May 17, 1902.

SIR: I am in receipt of your letter of the 2d instant, referring to this Department for examination and report House bill 13791, entitled "To quitclaim all interest of the United States of America in and to square 1131 in the city of Washington, D. C., to Sidney Bieber."

In response thereto I have the honor to state that the records of the Department fail to afford any information whatever as to the title of the land in question. All records pertaining to the lands belonging to the United States in the city of Washington, D. C., were transferred from this Department to the War Department, in pursuance of the act of March 2, 1867 (14 Stat. L., 456).

It is suggested therefore that the bill in question be referred to the honorable Secretary of War for consideration.

Very respectfully,

E. A. HITCHCOCK,

Secretary.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia,

House of Representatives.

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